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Attention: BOX DAC  
on: *Aug. 28 1998*  
By: *Erica L. Canonizado*  
Erica L. Canonizado

**PATENT**  
Attorney Docket No. 17648-2US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: )  
SALESKY et al. )  
Serial No. 08/823,744 )  
Filed: March 25, 1997 )  
For: REAL-TIME, MULTI-POINT, )  
MULTI-SPEED, MULTI-STREAM )  
SCALABLE COMPUTER NETWORK )  
COMMUNICATIONS )  
\_\_\_\_\_  
Attention: BOX DAC  
Asst. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Examiner: Unassigned

Art Unit No. 0000

**DECLARATION OF**  
**MICHELE A. SIMONE**

Sir:

I, MICHELE A. SIMONE, hereby declare as follows:

1. I am over 18 years of age and am employed full-time as U.S. docket clerk for Townsend and Townsend and Crew LLP ("Townsend").
2. Our business address of record is: Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834.
3. I have been continuously employed by Townsend since January, 1985, and have been a U.S. docket clerk since March, 1990.
4. The Townsend procedure for handling U.S. Patent and Trademark Office ("PTO") mail is outlined below:
  - a. All incoming PTO mail is directed to my attention;

- b. Using a computerized docketing system, I personally calendar due dates, and mark the original document with the Townsend docket number, attorney initials and response due date, if any. The original PTO document is then forwarded to the working attorney.
- c. On September 14, 1998, and upon the request of attorney Philip H. Albert, I conducted a thorough search of the computer and corresponding manual back up records for any information/documentation relating to the above-identified application and found no evidence of any Office Action received bearing a PTO mail date of August 15, 1997. A copy of the computerized docket record for the present application is attached hereto as Exhibit A (A number of references to unrelated clients have been redacted to preserve client confidences. None of the redacted material relates to the instant case as it is largely client names, matter names and invention titles for unrelated matters having docket entries on the dates shown).

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 9.28.98

Michele Simone  
Michele A. Simone

TOWNSEND and TOWNSEND and CREW LLP  
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**TO THE U.S. PATENT & TRADEMARK OFFICE**  
Please stamp the date of receipt of the following document(s)  
and return this card to us:

**RE: SALESKY et al.**

**TITLE OF DOCUMENT(S):**

**PTO-1595 (in triplicate); Assignment (7 pages)**

**Application No.** 08/823,744  
**File No.** 17648-2  
**Date Due** N/A  
**Date Mailed** September 28, 1998  
**Atty/Secty.** PHA:elc

**A F D D A**

*Raymond Chandler*